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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,726	08/18/2003	Masakuni Tsuge	SIW-066	4683

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EXAMINER	
LOUIS JACQUES, JACQUES H	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/643,726	TSUGE ET AL.	
	Examiner	Art Unit	
	Jacques H Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08182003,05172004,12/23/04*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,757,609 (Tsuge et al) in view of Kuribayashi et al, US Patent No. 6,085,146.

The claims of US Patent No. 6,757,609 (hereafter, the '609 patent) recite the claimed limitations of the claims of the present application including a travel route calculating device, a traffic information extracting device, a data storage device, and a data sending device, except for the communication point setting device. It should be noted that a section from the current or start position of the vehicle as recited in the claims of the present application corresponds to a mesh unit as defined in the claims of the '609 patent. Kuribayashi et al, on the other hand, discloses an information receiving method, navigation apparatus and motorcar, wherein there is provided a communication point setting device for defining at least one communication point on a proposed travel route, so as to newly extract information for an area from each communication point to the destination from a traffic information storage device and to send the newly extracted traffic

information to a vehicle navigation device (10) built in the vehicle when the vehicle passed the communication point. See for example, figure 3, columns 1-3 and 6-7. Thus, it would have been obvious to one skilled in the art at the time of the time of the invention to be motivated to modify the claims of the '609 patent by incorporating the communication points from the traffic information system of Kuribayashi et al because such modification, as recognized by Kuribayashi et al would provide a traffic information system which provides traffic information concerning a road in question where a car is moving (traveling), thereby efficiently guiding a vehicle to a destination while avoiding traffic jam.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al [6,859,720] in view of Furuno et al [4,819,174].

Satoh et al discloses a traffic-information distribution method on-vehicle navigation apparatus, wherein there is provided an information distribution center having a vehicle navigation server comprising a travel route calculating device for calculating at least one proposed travel route of a vehicle based on data input by a registrant to the server, the data including a current or start position and a destination of the vehicle (abstract, column 3), a traffic information extracting device for extracting (or collecting) traffic information relating to the

proposed travel route from a traffic information storage device (abstract, column 4). According to Satoh et al, the information distribution center sends traffic information relating to the relevant route to the navigation apparatus (abstract). According also to Satoh et al, there is provided systems located along a route (such as beacons) for providing traffic related information to vehicles traveling along the route (column 2). Still, according to Satoh et al, the information provided includes not only traffic information but also detour route around the traffic information (column 2). The traffic information sent to the vehicle navigation device (apparatus), according to Satoh et al, is a combination of detailed information about a section from the current or start position of the vehicle to the destination. Satoh et al also discloses a data storage device for storing at least data for identifying the registrant, data of said at least one proposed travel route, and data of said at least one communication point (column 4), and a data sending device for sending at least the traffic information and the data of said at least one communication point to the vehicle navigation device (figure 2, columns 2 and 5). According to Satoh et al, traffic information is obtained from an external traffic information center (43) and is updated so that newest traffic information is stored in the traffic information storage device (e.g., 42a).

As to claims 5-6, Satoh et al discloses the combination of vehicle device and a navigation server (information center), wherein the vehicle navigation device comprises an arithmetic unit (18, 22) for calculating a travel route to be defined, based on the current or start position to the destination of the vehicle, at least a portion of the traffic information received from the vehicle navigation server (information center), and map data (19, 21, 22), wherein the at least portion of the traffic information relates to the a section from the current or start position to the destination. Satoh et al also discloses a memory (18a) for storing at least the data sent from the vehicle

navigation server (information center), the map data and the calculated travel route. According further to Satoh et al, the vehicle navigation device is connected to the vehicle navigation server via a mobile communication device (column 3, lines 65-67) such as a cellular phone (column 5, line 1).

While Satoh et al discloses a plurality of beacons located on the route, Satoh does not particularly discloses providing information from the present position to one of the communication points and from the communication point to the destination.

Furuno et al, on the other hand, discloses a road navigation system having a plurality of guidance information transmitter systems disposed along a route (communication points). According to Furuno et al, new information (such as guidance or traffic information) for an area from each transmitter system to the destination from the guidance information control center are extracted and sent to the navigation apparatus (vehicle) built in a vehicle when the vehicle passes the communication (transmitter system). Se abstract, columns 2 and 3. According further to Furuno et al, the information sent to the vehicle navigation device is a combination of detailed information about a section from the current or start position of the vehicle to selected one of said at least one communication point and simplified information about a section from the selected communication point to the destination (column 3), wherein the route is recalculated as the vehicle passes each transmitter system. Additionally, Furuno et al, the user or subscriber is assigned a unique code so that information can be provided to the user with the assigned code (column 4). As described by Furuno et al in column 3, the selected (used) communication point (transmitter system) is the closest to the vehicle on the way to the destination; that is, the transmitter system transmits the information to the vehicle as the vehicle passes by the

intersection where the transmitter system is located. Also, in column 4 (lines 24-39), Furuno et al that the communication point is defined in at least of section far from the current position (e.g., N+1)(by a predetermined distance (e.g., X Km) and a section far from an area to which the vehicle can reach in a predetermined time.

Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the traffic-information distribution method on-vehicle navigation apparatus of Satoh et al by incorporating the features from the road navigation system of Furuno et al because such modification, as suggested by Furuno et al, would provide the user with accurate guidance information, while taking into consideration information (e.g., traffic jams) regarding the route on which the vehicle is driving.

Allowable Subject Matter

5. Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and the rejection under the non-obvious double patenting is overcome.

The prior art does not particularly teach that when one of a state that the vehicle has reached the destination, a state that the destination has been changed, and a state that the vehicle is out of the travel route calculated and defined in the vehicle navigation device is detected, setting of each communication point defined before this detection is released, and data about the released communication point are deleted from the data storage device of the vehicle navigation server and the memory of the vehicle navigation device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,508,917	Siegle et al	Apr. 1996
5,830,086	Hirano	Nov. 1998
5,911,773	Mutsuga et al	Jun. 1999
6,163,298	Ishihara	Dec. 2000
6,408,243	Yofu	Jun. 2002
6,535,813	Schmidt et al	Mar. 2003
6,868,331	Hanebrink	Mar. 2005
6,873,908	Petzold et al	Mar. 2005
EP0317181A2	Tarrant	May 1989
EP0354684A2	Marchent	Aug. 1989

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj